

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN FLYNN,

Plaintiff,

v.

COUNTY OF TUOLUMNE, *et al.*,

Defendants.

Case No. 2:24-cv-2265-DJC-JDP (PS)

FINDINGS AND RECOMMENDATIONS

On February 26, 2025, I recommended that plaintiff's application to proceed *in forma pauperis* be denied since it failed to demonstrate that plaintiff had insufficient assets to pay the filing fee and provide the necessities of life. ECF No. 6. On April 21, 2025, the district judge adopted the findings and recommendations and ordered plaintiff to tender the filing fee within twenty-one days.¹ ECF No. 7.

Plaintiff subsequently filed a motion for an extension of time to file an amended complaint. ECF No. 8. Therein, he argued that his financial situation had changed and asked that this action not be dismissed for failure to pay the filing fee. Plaintiff did not, however, file an amended application to proceed *in forma pauperis* that demonstrated he was unable to pay the filing fee and still afford the necessities of life. Given plaintiff's pro se status, I granted plaintiff

¹ The district judge also referred the matter back to the undersigned for all further pre-trial proceedings. ECF No. 7.

1 until June 19, 2025, to pay the \$405 filing and file an amended complaint. ECF No. 9. I also
2 warned plaintiff that failure to pay the filing fee by that date would result in a recommendation
3 that this action be dismissed. *Id.* at 2. The deadline has passed, and plaintiff has not submitted
4 the filing fee.

5 Accordingly, it is RECOMMENDED that the Clerk of Court be directed to close this case
6 for plaintiff's failure to pay the filing fee.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
9 service of these findings and recommendations, any party may file written objections with the
10 court and serve a copy on all parties. Any such document should be captioned "Objections to
11 Magistrate Judge's Findings and Recommendations," and any response shall be served and filed
12 within fourteen days of service of the objections. The parties are advised that failure to file
13 objections within the specified time may waive the right to appeal the District Court's order. *See*
14 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
15 1991).

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17 IT IS SO ORDERED.

18 Dated: July 14, 2025

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20 JEREMY D. PETERSON
21 UNITED STATES MAGISTRATE JUDGE
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